

JAN 11 2005

Application No. 10/057,646
Paper Dated: January 11, 2005
Reply to Office Action of November 17, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|------------------------------|
| In re: Patent Application of Harry R. Davis et al. | : PATENT APPLICATION |
| Serial No.: 10/057,646 | : Group Art Unit: 1617 |
| Filed: January 25, 2002 | : Examiner: Shengjun Wang |
| For: Combinations of Nicotinic Acid and Derivatives Thereof and Sterol Absorption Inhibitor(s) and <u>Treatments for Vascular Indications</u> | : Atty. Docket No.: CV01379K |

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

This Amendment is being submitted in response to the Office
Action mailed on November 17, 2004.

Claims 1-4, 7-10, 28-30 and 32 are pending in the application.
Claims 11-27, 36-39, 41, 44-46, 51, 54, 56, 59, 61, 64, 66, 69, 72, 75, 78 and 81
have been withdrawn from consideration by the Examiner as being non-elected.
Claims 5, 31 and 33-81 were previously canceled without prejudice to filing one
or more divisional applications directed to the subject matter thereof. Claim 6
was canceled without prejudice to filing one or more divisional applications
directed to the subject matter thereof.

I hereby certify that this correspondence is being transmitted via
facsimile addressed to the Commissioner for Patents, P.O. Box 1450,
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January 11, 2005

Chris Reichert

(Name of Person Faxing Paper)



Signature

1/11/2005
Date

{W0162979.1}

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219-1818

Telephone: 412-471-8815 Facsimile: 412-471 4094

E-mail: webblaw@webblaw.com

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Name of Individual: MAIL STOP AMENDMENT
Commissioner for Patents
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From: Ann Marie Cannoni, Esquire
Total Number of Pages: 32
Date Transmitted: January 11, 2005
CV01379K US
Client No.: 4686 File No.: 045566

Message:

Patent Application of: Harry R. Davis, et al.
Serial No. 10/057,646
Filed: January 25, 2002
Examiner: Shengjun Wang
Group Art Unit: 1617
Entitled: Combinations of Nicotinic Acid and Derivatives Thereof and Sterol Absorption Inhibitor(s) and Treatments for Vascular Indications

Transmittal Form (1p)
Fee Transmittal (1p) (2X)
Terminal Disclaimer (1p)
Request for Reconsideration (7pp)
Supplemental IDS (2pp)
PTO/SB/08A (2pp)
Cited Art (1 ref.) (16pp)

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PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4018).**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 310.00

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 10/057,846 |
| Filing Date | January 25, 2002 |
| First Named Inventor | Harry R. Davis et al. |
| Examiner Name | Shengjun Wang |
| Art Unit | 1617 |
| Attorney Docket No. | CV01379K/4686-045566 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: Webb Ziesenheim Logsdon

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

| | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | | |
|---------------------|---------------------|-----------------|----------------------|----------------------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |
| - 20 or HP = _____ | x _____ | = _____ | | Fee (\$) |
| | | | | Fee Paid (\$) |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| - 3 or HP = _____ | x _____ | = _____ | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | = _____ | |


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Stmt \$180.00/Terminal Disclaimer \$130.00**Fees Paid (\$)**

310.00

SUBMITTED BY

| | | | |
|-------------------|---|--|------------------------|
| Signature |  | Registration No. (Attorney/Agent) 35,972 | Telephone 412-471-8815 |
| Name (Print/Type) | Ann Marie Cannoni | Date January 11, 2005 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

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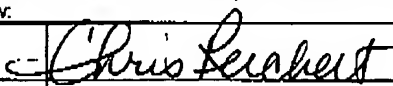
| | | |
|--|----------------------|--|
| TRANSMITTAL FORM | Application Number | 10/057,646 |
| | Filing Date | January 11, 2005 |
| | First Named Inventor | Harry R. Davis et al. |
| | Art Unit | 1617 |
| | Examiner Name | Shangjun Wang |
| (to be used for all correspondence after initial filing) | | |
| Total Number of Pages in This Submission | 31 | Attorney Docket Number CV01379K/4686-045566 |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks Request for Reconsideration (7pp) PTO Form SB/08A (2pp) Cited Art (1 ref.) (16pp) | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Webb Ziesenheim Logsdon Orkin & Hanson, P.C. | | |
| Signature |  | | |
| Printed name | Ann Marie Cannoni | | |
| Date | January 11, 2005 | Reg. No. | 35,972 |

CERTIFICATE OF TRANSMISSION/MAILING

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| Typed or printed name | Chris Relchert | Date | January 11, 2005 |

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 310.00**Complete if Known**

| | |
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| Application Number | 10/057,646 |
| Filing Date | January 25, 2002 |
| First Named Inventor | Harry R. Davis et al. |
| Examiner Name | Shengjun Wang |
| Art Unit | 1617 |
| Attorney Docket No. | CV01379K/4686-045566 |

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: Webb Ziesenheim Loosdon

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
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| Multiple dependent claims | 360 | 180 |
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| Indep. Claims | Extra Claims | Fee (\$) |
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| _____ - 100 = _____ | _____ / 50 = _____ | (round up to a whole number) x _____ | = _____ | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Stmt \$180.00/Terminal Disclaimer \$130.00310.00**SUBMITTED BY**

| | | | |
|-------------------|---|--|------------------------|
| Signature |  | Registration No. (Attorney/Agent) 35,972 | Telephone 412-471-8815 |
| Name (Print/Type) | Ann Marie Cannoni | | Date January 11, 2005 |

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